

U.S. Appln. No. 09/920,104
Reply to Final Office Action dated April 6, 2006

PATENT
450100-03401

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

Claims 1-27 are pending. Claims 1, 5-7, 11-14, 18-20 and 24-27 are independent. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112.

Claims 1, 2, 4, 5, 14-16, 18, 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over EP 0 993 185 A2 to Lownes, et al. (hereinafter, merely "Lownes") in view of U.S. Patent No. 6,191,822 to Smyers, et al. (hereinafter, merely "Smyers").

Claims 3 and 17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lownes in view of Smyers and further in view of U.S. Patent No. 5,815,631 to Sugiyama, et al. (hereinafter, merely "Sugiyama").

Claims 7-10, 11, 13, 20-24 and 26 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lownes in view of Smyers and further in view of U.S. Patent No. 6,020,916 to Gerszberg, et al. (hereinafter, merely "Gerszberg").

Claims 6, 12, 19 and 25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lownes in view of Smyers and further in view of Gerszberg and Official Notice.

Smyers is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject

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matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Smyers and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Smyers is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Smyers in the above-noted Office Action are overcome.

Therefore, Applicant respectfully submits that claims 1-27 are patentable.

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CONCLUSION

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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